THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

Writ Petition No.16135 of 2005

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondent Corporation in insisting for No Objection Certificate from the Joint Collector and Town Survey Land Records extract from the Mandal Revenue Officer, for construction of Building in respect of premises bearing No.10-5-2/1/1A, Masab Tank, Hyderabad, as arbitrary and illegal, the present writ petition is filed.

The petitioner alleged to be the absolute owner and possessor of the property as mentioned in the writ petition and he purchased the same by way of registered sale deed dated 02.03.1982. It is submitted that he approached the respondent-Corporation with an application, seeking permission to construct a building in his property, but the respondent-Corporation has refused to receive the same and insisted that unless the No Objection Certificate (NOC) from the Joint Collector and Town Survey Land Records (TSLR) extract from the Mandal Revenue Officer are enclosed, the application cannot be entertained at all.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent-Corporation.

This Court in ***Hyderabad Potteries Pvt.Ltd. vs. Collector, Hyderabad District*** took the view that it is not open to the Municipal Corporation to insist on filing of NOC and TSLR issued by the revenue authorities and also took view that TSLR cannot be regarded as a sole guiding factor to the competent authority while dealing with the building applications. TSLR entries have to be considered in conjunction with other documents, which the applicant would like to place reliance upon.

In view of the Division Bench Judgment, I deem it appropriate to

direct the respondent to receive the application of the petitioner, accompanied by documents, and consider the same, as contemplated under Bye-law 4.2 of the Hyderabad Municipal Corporation Building Permission Bye-laws, and pass appropriate orders in accordance with law.

The Writ Petition is, accordingly, disposed of. No order as to costs.

_____

25.07.2005

VGB